

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JUNE 12, 2014

The Cass County Joint Water Resource District met on June 12, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Raymond Wolfer and William A. Hejl, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen and Pamela Graff Corbin, Water Resource District staff; Sean M. Fredricks, Chris McShane and Lukas D. Andrud, Attorneys for the Board; Lee Beauvais, Chad Engels and Mike Opat, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Vern Bennett, Cass County Commission; Eric Dodds and Dustin Dale, Advanced Engineering and Environmental Services, Inc.; Bruce Spiller, Ty Smith and John Albrecht, CH2M HILL Engineers, Inc.; Pat Downs, Red River Retention Authority; Stan Wolf, Cass County Weed Control Director; Bruce Murry, APT Solutions; and Tim Iwen, Arthur resident. Manager Michael R. Buringrud, North Cass Water Resource District, was absent.

**Minutes**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the minutes of the May 22, 2014, meeting, as presented. Upon roll call vote, the motion carried unanimously.

**Approval of agenda**

It was moved by Manager Wolfer and seconded by Manager Olson to approve the order of the agenda, as amended. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access issues relating to the Metro Flood Diversion Project. Follow-up communications will begin soon with landowners who have yet to return an *Access Agreement* or contacted the Water Resource District office. Mr. McShane said access to these properties will be needed by September 1, 2014. The Board discussed future necessary public outreach steps.

URS Corporation will be in town to perform cultural resources surveys on the in-town levees within the next couple of weeks. Mr. McShane explained that work will focus on historic properties that may be eligible to be placed on the historic registrar. Surveyors will also be performing cultural resources visual impact surveys on those properties.

### **Metro Flood Diversion Project – project update**

Eric Dodds said the Water Resources Reform and Development Act (WRRDA) bill has been signed by the President, which authorizes the construction of the Metro Flood Diversion Project.

An open house will be held on July 24, 2014, at the facility in Rosemount, Minnesota where the physical model of the Maple River aqueduct structure has been completed.

### **Metro Flood Diversion Project – land acquisition**

Bruce Spiller distributed Land Acquisition Directive (LAD) 00007 regarding parcels required from the Rush River to the outlet of the Metro Flood Diversion Project. He explained that Land Acquisition Directives will be presented to the Diversion Authority for approval, and then will be brought back to the Board for future action.

The Board discussed land acquisition opportunities.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve Task Order No. 2, Amendment 2 in the amount of \$146,363 for Houston-Moore Group, LLC for land acquisition services, which includes the necessary changes for the new estimated cost to provide appraisals, negotiate acquisitions, and provide relocation services for the owners and tenants of commercial, residential, and industrial properties, for a total amount of \$1,440,491, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Dodds distributed a draft outline of the typical land acquisition process.

Lukas Andrud presented information regarding property acquisition.

### **Metro Flood Diversion Project and Oxbow-Hickson-Bakke Ring Levee Project – Second Amendment to Joint Powers Agreement**

Sean Fredricks informed the Board that the *Second Amendment to Joint Powers Agreement* has yet to be signed by the City of Fargo and the Cass County Commission. He will update the Board on the matter at a future meeting.

### **Oxbow-Hickson-Bakke Ring Levee Project**

The URS Corporation will complete the remaining cultural resources surveys required for the Oxbow-Hickson-Bakke Ring Levee Project soon.

Mr. Spiller updated the Board on discussions with the Corps of Engineers Omaha District, regarding the Section 404 permit for the Oxbow-Hickson-Bakke Ring Levee Project. He is confident the permit will be approved soon. Mr. Spiller plans to meet with the Office of the State Engineer tomorrow in Bismarck regarding the state permit for the project. He will continue to update the Board on the matter.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Change Order No. 1 for Riley Bros. Construction, Inc. regarding WP-43A Phase A of the Oxbow-Hickson-Bakke Ring Levee Project, in the amount of \$9,509.03. Upon roll call vote, the motion carried unanimously.

Mr. Spiller distributed LAD 00006 regarding a park owned by the City of Oxbow which will be required for the Oxbow-Hickson-Bakke Ring Levee Project. The park currently sits on the wet side of the levee, and full acquisition will be required.

Mr. Fredricks said a letter was sent to Pleasant Township regarding the Oxbow-Hickson-Bakke Ring Levee Project, explaining that the current phase of the project is within the City of Oxbow's newly annexed area. The City of Oxbow has granted a flood plain development permit to Cass County Joint Water Resource district for the construction of the project, making a permit from Pleasant Township unnecessary.

Mr. Dodds distributed a Land Management Summary for the Board's review and updated the Board on land management issues. He explained that the Oxbow Golf and Country Club fixtures appraisal was recently completed. ProSource Technologies, LLC representatives met with Oxbow Golf and Country Club this week to explain relocation benefits.

#### **Diversion Project Assessment Committee (DPAC) update**

Mr. Dodds said work continues on compiling data for the proposed assessment district for the Metro Flood Diversion Project. He speculates that meetings will be held in July with city and county officials on the matter. The formal process will begin this fall / winter. He hopes the vote on the proposed assessment district can take place in February 2015.

#### **Flood risk reduction / development of retention projects**

Chad Engels presented a draft PowerPoint presentation regarding the development of retention projects in rural Cass County that will be presented at the next Flood Risk Reduction Meeting at the Governors' Inn in Casselton, North Dakota, at 9:00 a.m. on Monday, June 23, 2014. Landowner comments and questions from the first meeting will be outlined and discussed. A meeting notice will be sent to landowners within the week.

Pat Downs provided a Farm Bill update. Funding will be limited to \$20 million over 4 years for each designated Critical Conservation Area. Projects would be contracted through the Natural Resources Conservation Service. The dam rehabilitation fund has \$250 million available.

#### **Lake Bertha Flood Control Project No. 75**

Mr. Opat presented information regarding Lake Bertha Flood Control Project No. 75. He explained that a project at the site would allow the detention of water in the spring, that could be released in the fall when conditions downstream allow, and keep roads in the area above water. The project had been previously put on hold due to access issues. He presented alternate options for the Board's review. He explained that the Maple River Water Resource District would be interested in having the Cass County Joint Water Resource District take the lead on the project.

Mr. Opat said preliminary engineering has been done, but will need to be updated. He will prepare a proposal regarding Lake Bertha Flood Control Project No. 75 for the Board's review at a future meeting.

**Reimbursement request #28 from the City of Fargo from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Olson and seconded by Manager Jacobson to approve Reimbursement request #28 from the City of Fargo from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

**Drain right-of-way**

Mr. Fredricks reviewed the concept of using permanent easements as opposed to temporary easements for drain right-of-way. He reviewed draft *Purchase Agreement* and *Permanent Easement* documents. The Board emphasized the importance of the landowner / operator having the ability to maintain the back-slope. Mr. Fredricks said a *Permanent Easement* would allow for that and also provide the Board with the ability to perform maintenance on the drain. Crop damage language was also reviewed. Mr. Fredricks will update the documents for further review at a future meeting.

**Meeting procedures**

It was moved by Manager Jacobson and seconded by Manager Olson to approve the *Cass County Joint Water Resource District Meeting Procedures, Policies and Practices*. Upon roll call vote, the motion carried unanimously.

**Review of open meeting laws**

Mr. Fredricks reviewed open meeting laws with the Board.

**Bills**

It was moved by Manager Olson and seconded by Manager Jacobson to approve payment of Checks #11256 through #11261, and the electronic funds transfer, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Jacobson, Olson and Wolfer. Manager Buringrud was absent. Motion passed.

**Cass County Weed Control**

It was moved by Manager Jacobson and seconded by Manager Wolfer to hire Larson Helicopters, LLC, to spray Cass County Joint Water Resource District facilities and to apply a product with a residual effect to save on future costs. Upon roll call vote, the motion carried unanimously.

**Loeering's Addition Development**

Manager Hejl met with the Board to discuss possible development of Loeering's Addition in Casselton, North Dakota. He explained that raising the property, which is just south of Cass County Highway 10, could affect flood events.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Wolfer, seconded by Manger Jacobson and unanimously carried to adjourn the meeting.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer